

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: OCTOBER 7, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

SUP-34016 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

3

City Council Meeting

4

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

2

City Council Meeting

0

**RECOMMENDATION:**

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by WFI
7. Protest Postcards
8. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 13

Motion made by LOIS TARKANIAN to Hold in abeyance to 11/4/2009

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: An initial motion for Denial by TARKANIAN carried unanimously (as subsequent to the vote, COUNCILMAN ANTHONY requested his vote be reflected in the affirmative) and was reconsidered upon a motion by TARKANIAN for reconsideration that carried unanimously.

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Minutes:

MAYOR GOODMAN declared the Public Hearing open.

SHANE HENNESSY-YORK, 7030 Smoke Ranch Road, appeared on behalf of the applicant. He indicated that the proposed design includes three antennas with three microwave dishes, allowing for collocation by other carriers if desired. Although other options and designs were researched, the applicant believes that the proposed 80-foot palm tree design is appropriate.

ANTHONY HODGES suggested Council pay careful attention to this application, since the Planning Commission's and staff's recommendations are contradictory.

COUNCILWOMAN TARKANIAN asserted she had spoken with MR. HENNESSEY-YORK and had advised him that she could not support this request. She represents a ward that foresees future redevelopment appropriate for this mall area and does not support the proposed palm tree design nor the ability to co-locate with other carriers.

After the vote was taken on Item 133, the Councilwoman decided to hold this item for 30 days in hopes of finding a suitable location.

MAYOR GOODMAN declared the Public Hearing closed.

